

Minutes of the Planning Commission meeting held on Thursday, August 1, 2013 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Karen Daniels, Chair  
Phil Markham  
Scot Woodbury  
Maren Patterson  
Chad Wilkinson, Community Development Manager  
Ray Christensen, Senior Planner  
Brad McIlrath, Assistant Planner  
G.L. Critchfield, Deputy City Attorney  
Citizens

Excused: Tim Taylor, Vice-Chair  
Jim Harland  
Vicki Mackay

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Karen Daniels opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

Mr. Markham made a motion to approve a portion of the minutes of July 18, 2013 as corrected. The portion of minutes included the Murdock Hyundai rezone and general plan amendment; and the Steven Feder & Roger Knight rezone applications. Seconded by Mr. Woodbury.

A voice vote was made. Motion passed, 4-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

Mr. Woodbury made a motion to approve the Findings of Fact for Conditional Use Permits for Beehive Soap & Body Care, SNS IM, Everest Distributor, and Sego Lily School. Seconded by Mr. Markham.

A voice vote was made. Motion passed, 4-0.

#### ALLSOP ATHLETICS – 5942 South 350 West- Project #13-127

Jeff Allsop was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for Conditional Use Permit for Pilates and fitness studio training to be located in the existing building at the property addressed 5942 South 350 West. Municipal Code Ordinance 17.152.030 allows a Pilates and fitness

studio training within the M-G-C zoning district subject to Conditional Use Permit approval. Private and class sessions will be offered. Classes will be held on Tuesday, Wednesday, and Thursday at 5:30 p.m. and 6:30 p.m. and Sunday at 11:30 a.m. and 3:00 p.m. The applicant indicated that the maximum number of clients at the peak times will be 8. The zoning ordinance requires one parking stall per employee and one stall for each client of driving age. The site plan shows that there are 35 parking stalls on the site for this business use including two disabled stalls to meet the parking requirements. McBride Plumbing, Motorcar Auto Broker, and Sea Stone Countertops operate Monday through Friday between the hours of approximately 7 a.m. and 5 p.m. The building meets the required 20 foot front yard setback for the M-G-C zone. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Jeff Allsop, 2240 East 10000 South, Sandy, stated he teaches classes and private clients on Tuesday, Wednesday and Thursday nights as well as Sunday daytime in Pilates and exercise training. He stated that he has reviewed the staff recommendations and will comply.

Mr. Markham asked if Mr. Allsop anticipates having up to 8 students per class. Mr. Allsop responded that his class sizes are small and private.

No comments were made by the public.

Mr. Woodbury made a motion to approve the Conditional Use Permit for Allsop Athletics at 5942 South 350 West subject to the following conditions:

1. Provide stamped and sealed plans by appropriate design professionals to include code analysis and egress plan. The structure may require seismic upgrade per section 3408.4 of the 2012 IBC. The project shall meet all applicable building code standards.
2. Meet all Murray Fire Dept. requirements.
3. Meet all Murray Power Dept. requirements.
4. The trash container shall be screened as required by Section 17.76.170.

Seconded by Maren Patterson.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Karen Daniels

Motion passed, 4-0.

CLASSIC JEWELERS – 5471 South State Street – Project #13-128

Angelo Vardakis was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a jewelry store & pawn shop for the property addressed 5471 S. State Street. Municipal Code Ordinance 17.160.030 allows a jewelry store and pawn shop business within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant is requesting a Conditional Use Permit for a jewelry store and pawn shop business in a space that has been leased in the new retail building located at 5471 S. State Street. The lease space is approximately 1,340 sq. ft. with 300 sq. ft. designated as storage and about 1,040 sq. ft. as a retail showroom. The retail jewelry and pawn shop use requires the applicant to have six off street parking spaces including one ADA van accessible space. Section 17.72.070 of the Murray Municipal Code requires that there is one parking space for every 200 square feet of net floor area for retail businesses and one stall for every 750 square feet of storage. The site has a total of 42 spaces, therefore there is adequate parking for the use. The new development meets all of the current city setback requirements. The landscaping plan has been approved and must be installed to meet the requirements of Sections 17.160.100 and 17.68 of the municipal code, prior to the city issuing a certificate of occupancy or business license. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Angelo Vardakis, 626 East 1300 South, Salt Lake City, stated he will have 1,000 sq.ft. of showroom and 300 sq.ft. of storage for his business. He stated he buys, sells, and trades liquidation merchandise. He stated he has reviewed the staff recommendations and will comply. He stated he manufactures and sells jewelry.

No comments were made by the public.

Ms. Patterson made a motion to grant Conditional Use Permit approval for Classic Jewelers at 5471 South State Street subject to the following conditions:

1. The project shall meet all applicable building code standards including submittal of plans by an appropriate design professional for review and approval by the building department.
2. The project shall meet all current fire codes.
3. Landscaping in accordance with approved plans shall be installed prior to business license approval.
4. The trash container shall be screened as required by Section 17.76.170.
5. Comply with all Murray Water & Sewer and Power Department requirements.
6. All of the parking stalls shall be paved and striped, including ADA disabled stalls with signs posted, to meet zoning code.
7. The entire development must receive a certificate of occupancy from the city

before any business licenses will be approved.

Seconded by Mr. Markham.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Karen Daniels

Motion passed, 4-0.

CENTRAL VILLAGE – 4568 & 4574 South 700 East, 4532, 4536, 4540, 4546 South Elida Street, 4549 South 600 East (and easement across 4539 South 600 East) – Project #13-129

Bryan Wrigley was the applicant present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval for a 37 unit multifamily development at the properties addressed 4568 & 4574 South 700 East, 4532, 4536, 4540, 4546 South Elida Street. The plans show a utility easement across the flag lot property addressed 4539 South 600 East. Municipal Code Ordinance 17.120.020 allows multifamily dwellings within the R-M-15 zoning district subject to Conditional Use Permit approval. The proposed density is 12 units per acre in the R-M-15 zone on 3.1 acres which complies with the maximum density standards for the zoning district. The plans for this apartment project show ten buildings with two to four units per building. The units are two-story 32-foot high structures with no basement. The private driveway accessing the units is from Van Winkle Expressway (700 East Street). Some of the residential units front on landscape areas between the buildings. Most units will have a concrete patio. The plans indicate 25% total site coverage for buildings. The parking information provided show 93 total parking stalls with 54 stalls located in garages. The parking regulation requires 2.5 parking stalls per dwelling unit which requires 93 parking stalls for this project. One and two car garages are located at the back of most units with additional parking located behind the garages and 15 parking stalls located at the south property boundary. The buildings will need to be adjusted on the Van Winkle Expressway frontage to comply with 25 ft. minimum setback from property line behind the sidewalk. The buildings shall comply with the minimum setback requirements for the R-M-15 zone. A formal landscaping plan will need to be submitted with the building permit for approval by City staff. Landscaping is located in the front, rear, side yards and central area of the property. Based on the information presented in this report, application materials submitted and the site review, staff recommends Planning Commission approval of the Conditional Use Permit subject to conditions.

Mr. Woodbury asked if condition #16 applies to the entire development with regards to parking or only certain units. Mr. Christensen responded that the required parking must be striped to meet the stall and width requirements in addition to proper back up and the parking behind the buildings will need to be striped and no parking along the

street. Ms. Daniels clarified that buildings #7, 8, 9 and 10 can have parking behind them since there is adequate parking space.

Mr. Markham expressed his concern with only one entrance/exit into the project. Mr. Christensen responded that in residential areas if there are more than 50 residential units there must be a secondary access, but that does not apply to a multiple family development. He stated that this project was reviewed by the fire department which has recommended approval.

Bryan Wrigley, 338 East South Temple, Suite B, Salt Lake City, stated he is the managing partner for Lotus Equities. He stated his firm focuses on design drive projects and they have put a lot of time into this project and have spent a lot of time with the seller trying to understand the hot spots of concern. He stated that they have attempted to design the project around not having an access onto 600 East, based upon the concerns expressed from the community.

Gus Sharry, Cannon Engineering, stated he is the civil engineer for this project. He stated there are a couple of parking spaces outside building #2 and 15 at-large spaces along the south property line. He stated the tandem parking behind the buildings is limited to buildings #7, 8, 9 & 10. He stated they have met the departments requirements for vehicle access, hose length, etc. and they will continue to work out the details with Phil Roberts, Fire Marshal. He stated the utility easement going to 600 East Street is to accommodate storm drain and water connection off 600 East. There will be some improvements that will happen off-site which will be funded by the project at least for the most part. He stated the sewer comes off of Elida, flows north to 4500 South, and the new line will flow to the main in back of buildings #3 & 4. He stated that they have paid particular attention to turning radius and curb radii to ensure adequate vehicle turning. He stated there are no basements in these units and they will be slab on grade construction. There is no storm drain on 600 East and is one of the off-site improvements that will also help the neighborhood.

Ms. Daniels asked if the applicant have had the opportunity to review the staff recommendation and conditions of approval. Mr. Sharry responded in the affirmative.

Mr. Woodbury asked if there are plans in the future to potentially sell the units. Mr. Wrigley stated they have looked at that possibility and there are some charming homes on 600 East and also has an aging rental pool along 4500 South. He stated the proposed rental homes will be between \$1,500 to \$1,700 per unit and are catered to a young professional clientele or young family. The design allows a family to sit out on the front porch and watch their children play. Every unit faces onto significant green space. He stated the units are not being platted for individual sale at this point but may be considered at a later time.

The meeting was opened for public comment.

Ms. Daniels stated the planning commission members received two emails from Darrell Catmull and Westin Brewer. The emails indicated their opposition to this proposed development.

Wes Eatchell, 4519 South 600 East, stated he has been a resident for 40 years. He stated at the present time, the water pressure in this area is insufficient for those along 600 East and with the additional homes, it will only worsen. He asked if drainage could go onto 700 East so that 600 East street does not have to be torn up. He asked if the contractor could not have any large vehicles accessing from 4500 South along 600 East and up the easement and that access be from 700 East. He asked about visitor parking accessing the project from 600 East and possibly parking along 600 East causing congestion. He asked that a block or solid wall be installed along the west side of the development to prevent access onto 600 East in the future. He stated with previous proposals it was indicated by the city that there was to be no access from 600 East street to this property, with the exception of the one home behind the old Engh property.

Don Kent, 566 Compton Court, stated he has been a resident and property owner for the past 17 years. Mr. Kent expressed concern with the limited notice or publication of this development. He stated that the developer has indicated at this time that they don't want to come onto 600 East, but that is not set in stone. He questioned if the developer will purchase additional properties and encroach onto 600 East. He expressed concern with not having any open areas for the children to play in this development. He expressed concern with individuals running their dogs on the wetlands area and there is no control over that. He stated that Salt Lake City owns the wetlands area and they do not maintain the property and Utopia drilled through the fences and left them in disrepair. He stated that he would prefer the sewer and water come from 700 East which is a better pressure system and drainage system, rather than 600 East.

Beverly Roach, 4555 South 600 East, stated she is concerned because she has a swimming pool and the potential for people jumping over the fence and swimming in her pool. She stated she did not want to be responsible for people jumping the fence and coming to swim in her pool. She stated the power lines to the property in question run over the top of her home and asked if the power could be rerouted elsewhere.

Amy Penechar, 4545 South 600 East, stated in 2008 Murray City approved the zone change for this project site to R-M-15 which allows for single family and two-family dwellings. She stated the single family and two-family dwellings are more likely to result in a greater percentage of owner occupied dwellings and would be the best fit where this property abuts the 600 East neighborhood. The 600 East neighborhood is primarily single-story single-family homes. She stated she is pleased to see the building heights were lower than the maximum allowed of 35 feet, and the setback nearest her property is greater than the minimum and hopes it will remain as currently proposed. She stated she has lived in her home for the past 25 years and that she will be directly impacted with this project. She stated she and her husband use their back yard daily and is a tranquil and relaxing area for them. She stated if the project is approved, that the following be included: Landscaping along the west border of the project that provides year round privacy screening and noise buffering such as evergreens or conifers; perimeter fencing or wall of a type that is not easily climbed or compromised; lighting at the development that illuminates downward rather than out; Murray City and Jordan Valley Water Conservancy district to work with the

developer to ensure that water pressure and storm drains are not compromised for the established neighborhoods; there are no sidewalks, curb or gutter on 600 East or Elida Street and using another access for utilities should be considered unless it would result in corrections to those existing problems. She stated she welcomes communication and dialogue with the developer and project manager so that they can stay informed of scheduling and gain understanding of efforts to mitigate dust, noise, and disruption during construction.

Leon Unsworth, 4510 South 600 East, stated his father owned the property on the corner of 600 East and 4500 South before he was born and he has owned it since that time. He stated that he currently resides in Sandy. He expressed concern with the water draining to the west and the only drainage on 600 East goes into a ditch that he has part of.

Leon Unsworth, 2332 East Quail Run Drive, Sandy, stated his father owned the property at 4510 South 600 East. He stated he has enjoyed the open space where this will be taken up by this proposal and the wildlife will be displaced. He asked if there will always be "for rent" signs advertising.

Don Kent, 566 Compton Court, asked that there be no direct or indirect access to 600 East to either be planned or contemplated later. Mr. Markham responded that is the plan for this project, that there be no access onto 600 East.

Jon Boyden, 4545 South 600 East, concurred with the previous comments and concerns expressed. Mr. Boyden stated when this property was rezoned, Mr. Tim Tingey assured the residents that R-M-15 meant that they wouldn't end up with apartments next door because it would take a conditional use for that to happen. They hoped for a buffer of lower density, owner occupied housing graduating out to higher density towards 700 East. He indicated that the residents prefer this option.

David Skow, 4550 South 700 East, stated he is a resident of the Murray Meadows condominiums. Mr. Skow asked about the traffic impact on 700 East. He stated that 4500 South 700 East intersection is a very hazardous intersection and there is no left turn to come into Murray Meadows condominiums if traveling north on 700 East. He stated that most drivers do not make a legal U turn and rather cross over the island and double yellow lines to access the Murray Meadows condos. This project will only be exasperated by this proposed complex. He stated he is not opposed to the development, but he is opposed to turn situation into these complexes or more accidents will occur. He asked about the fencing materials between the common properties. He stated he hopes the fencing materials are not white vinyl fences because there have been tagging problems in this area.

Rick Pratt, 2545 East Beacon Drive, Salt Lake City, stated he is the property owner and is working with Bryan Wrigley on this project. He stated that he wished to alleviate any fears that there will ever be a road going to 600 East. He stated that he also owns the flag lot at this location and his intent is to build a single family dwelling on the flag lot. He stated that they have an approval from UDOT for access from 700 East for 45 homes and the project is currently planned for 37 homes. He stated that they have met all the requirements from UDOT to achieve this access approval. He

stated he is in favor of this proposal.

Gus Sharpy responded regarding the concerns expressed. He stated the construction traffic will be from 700 East. He stated the only construction that will occur from 600 East will be with regards to installation of the utilities within the utility easement. He stated they would be amicable to having a condition that states "the only construction that will occur from 600 East will be with regards to installation of the utilities within the utility easement, other construction traffic should access from 700 East". He stated regarding perimeter trespassing that they will have a fence around the entire project perimeter excluding the driveway onto 700 East. He stated they are designing the fence and are open to suggestions from the neighbors regarding aesthetics and type of fencing materials to prevent trespassing. He stated this project will not make the water pressure situation worse, and understands that there is relatively low pressure in this area. The static pressure is about 65 lbs/sq. inch. There is a possibility that they may have to go as far as 500 East to extend water main off-site to make the flows work and if that is the case then the neighborhood would end up with a lot more water in terms of pressure and flow. They do not wish to go to 500 East but will do so if necessary. He hopes to meet the fire flow with the existing grid and extensions they propose from the perimeter. He stated they are perfectly fine with having the condition that their water flows and pressure are not worsened with this project. He stated the natural flow is southeast to northwest as it is in most of this side of the valley, and 600 East lends itself as the best destination for storm water from this site. He stated the frontage on 700 East is the high point on the site and everything is downhill from 700 East. To maintain the pattern, they will go west and will pipe the run off to 600 East and improve drainage on 600 East out to the state drain on 4500 South Street. They will need to obtain a permit from UDOT for tie into the drain. He stated they will not be running any storm water into the irrigation ditch which flows northwest off 600 East. Any trenching on 600 East for water or storm water would entail pavement cutting and repaving to the existing condition or better. He stated all the utilities on the site will be underground.

Mr. Wrigley addressed the concerns raised by the citizens indicating that the access will be from 700 East and not 600 East. He stated they need to market their product but are not planning to have large waving flags and will be a tasteful monument sign that announces the project. He stated they currently manage approximately 2,000 units and they do not have signs on any of them, but did not want to commit to not have any signs and wish to leave that option open. He stated they use other mediums to market and gain tenants. He stated they are procuring projects from South Jordan to Ogden and there is obviously a common feeling about rental product verses owner product and he appreciates that concern. He stated that they looked extensively at this project. He stated the economy and market in Utah is changing and there are people who cannot buy a home or are in a transitory state. He stated they try to focus on a two-car garage and high ceilings, two-tone paint, nice cabinets and to offer someone a home where they feel they can have a family and stay for a few years. He stated their product is very tasteful. There were a lot of planned unit development's that were built in the 70's and 80's and look like a disaster now, and there is a place for professional management.

Mr. Woodbury asked about the questions regarding lighting on the far west side

(back). Mr. Wrigley responded they have a similar project in the Sugarhouse area and the drive aisle only has landscaping light and the drive aisle going down to the west area will have a lower voltage land light and on the far west side (back) there will be private patio lights and there will large pole lighting.

Mr. Woodbury asked about the request that there be communication between the developer and the residents. Mr. Wrigley indicated that they would like to have discussions.

Mr. Markham asked if there are requirements pertaining to the type of fencing or barrier that will go around this project, or any types of fencing prohibited. Chad Wilkinson responded there is no fencing requirement for this project, but the commission could impose that condition if they feel it would be in the best interest to do so. He stated that there is a 6 foot privacy fence indicated on the site plan but the applicant should respond to whether or not they will have a fence. If there is a fence, it will need to meet the minimum fencing standards. Ms. Daniels indicated the applicant previously indicated they are working on the type of fencing and are welcoming input from the neighbors regarding this issue.

Mr. Woodbury stated he feels this is a very tasteful project and the design is outstanding, and appears that it will be great project and fills a niche. He stated it seems the demographic that would be occupying this project will be residents that will be more responsible and better citizens.

Mr. Markham complimented the audience on the tenor of discussion tonight and was very informative and he appreciates the professionalism of those in attendance.

Mr. Woodbury made a motion to grant Conditional Use Permit approval for a 37 unit multi-family development known as Central Village, for the properties addressed 4568 & 4574 South 700 East, 4532, 4536, 4540, 4546 South Elida Street, 4549 South 600 East and the easement across the flag lot addressed 4539 South 600 East subject to the following conditions:

1. Prior to building permit issuance, combine site parcels into one parcel in order to meet the requirements of the building code. Provide a copy of the proposed combination deed for review by the City Engineer prior to recording. Once the deed has been recorded, provide a copy to the City.
- 2 Obtain UDOT site access review and approval for Van Winkle access. Evidence of UDOT access approval shall be submitted to the City prior to building permit.
- 3 Obtain utility approvals from Jordan Valley Water Conservancy District and sewer district. Evidence of approval shall be submitted prior to building permit.
- 4 Obtain any utility easements needed to extend utilities from 600 East and Elida Street to the site. Provide copies of the easements to the City after recording.
- 5 The project shall meet all applicable building and fire code standards. Provide stamped and sealed soils report from geo-technical engineer at time of submittal for a

building permit.

6. Comply with Murray Fire Department requirements with compliance to current building and fire code, access and flow requirements

7. A formal landscaping/irrigation plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by Murray City officials with the building permit and shall be installed as approved prior to occupancy.

8. Trash containers shall be screened as required by Section 17.76.170.

9. Repair or replace any damaged curb, gutter and sidewalk along Van Winkle (700 East) frontage.

10. Provide a fence plan demonstrating compliance with fence code regulations for the site with building permit application.

11. Obtain a Land Disturbance Permit prior to beginning any site work.

12. All the required parking stalls shall be paved and striped to comply with Municipal code 17.72., including parking stalls located behind garages shown on the site plan, where 24 ft. minimum aisle width is provided.

13. UDOT right-of-way drawings do not include the sidewalk along the west side of Van Winkle Expressway (700 East). Dedication of sidewalk will be required and building setbacks will need to be measured from the back of sidewalk. The minimum front yard setback is 25 ft. to buildings.

14. Comply with Murray City storm drainage requirements.

15. The access driveway for Building 2 shall be revised to provide a minimum of 20 feet in width for two-way traffic circulation. In addition, the maneuvering area to the rear of building 2 shall be a minimum of 24 feet in depth to provide for adequate vehicle maneuvering area in accordance with ordinance standards.

16. In order to maintain proper fire access, parking shall only be allowed in garages or within designated, striped parking spaces. Striping and no parking signs shall be provided in other areas to prevent parking within in maneuvering areas.

Seconded by Mr. Markham.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Karen Daniels

Motion passed, 4-0.

MACTRADERS – 6526 South State Street #E – Project #13-130

Glenn Gilliam was the applicant present to represent this request. Brad McIlrath reviewed the location and request for Conditional Use Permit approval for the sale of new and used computers, repair & servicing for the property addressed 6526 S. State St. # E. Municipal Code Ordinance 17.160.030 allows secondhand merchandise (LU #5930) within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant is requesting a 1130 square foot commercial space for the purchasing, repairing and reselling of used Apple products. The total amount of parking spaces required for this property is 14, and there will be 11 non-ADA parking stalls provided. There is a shared parking agreement between this property and the property occupied by A Plus Quality Glass. On that property, there are a total of 12 stripped parking stalls for the auto glass business. According to parking requirements there should be a total of 6 spaces required for that type of business. An excess of 6 parking stalls would be available for this parking agreement. With the parking agreement, there will be a sufficient amount of parking stalls required for the property located at 6526 S. State Street. One ADA van accessible parking stall is required for this property. The commercial building for this business and use meets the minimum setback requirements for the C-D-C zoning district. The standards of the zoning district require ten feet of landscaping along the frontage of the property. The landscaping will need to be improved to meet the minimum standards of the landscaping section of the zoning ordinance. As stated in Section 17.160.050 "The first ten feet except, for drive accesses, must be landscaped." The total frontage for this property is approximately 51 feet in length. According to the landscape requirements, there will need to be two (2) trees, three (3) 5-gallon shrubs, and five (5) 1-gallon shrubs with a minimum of 50% ground cover. These calculations are based upon section 17.68.040 which states, "Landscaping in these areas shall consist of three (3) trees, and five (5) 5-gallon and then (10) 1-gallon shrubs per one hundred (100) linear feet of frontage." Access for this business and property is directly off of State Street and is part of a shared access agreement with the adjoining property owners. Based on the information presented in this report, application materials submitted and site review, staff recommends approval subject to conditions.

Ms. Daniels asked about the landscaping on the site plan. Mr. McIlrath indicated staff has been working with the applicant regarding the required frontage landscaping, which must be a minimum of 10 foot depth. There is an existing pole in the landscaping area that could remain.

Mr. Woodbury asked about the trash container and if it is in on this property or the adjacent property and if the business is currently operating at this location. Mr. McIlrath responded that the trash container is on the adjacent property to the west. The business has not started operation at this time, but they have submitted for a business license subject to obtaining conditional use permit approval. This building does not have a trash container.

Glenn Gilliam, 866 West 500 North, Orem, stated he has reviewed the staff recommendations and will comply. He stated he has been in business for the past 3 years in Pleasant Grove and wish to relocate to Murray and the majority of their

customers are from the Salt Lake valley. He stated he chose this location because of the location of the Apple Store in Fashion Place Mall and are a partner with what they are doing with customers. He stated that they buy, sell and trade Apple used products.

This meeting was open for public comment.

Lorraine Dewaal, 9344 Sunset Ridge Circle, Sandy, stated she is the owner of the building to the west of this property. She stated she is excited that a real bona fide, clean business will be locating at this property. She stated there is only a verbal agreement regarding the trash container. She explained that the trash container is on her property simply because there is no room on the property in question but the trash container is shared between the two building tenants. She expressed concern regarding the landscaping requirement and the existing signs located in this area and are for two of her tenants. The two tenants are a massage therapy business and a nail salon. She stated that her tenants are not able to have a big sign out front, that their signs are the only way they can advertise their businesses. Ms. Daniels explained that the landscaping is part of the ordinance requirements when a conditional use permit is applied for it requires the property be brought into compliance with the codes.

The commissioners discussed portable "A" frame signs and various signs allowed. Mr. Wilkinson clarified that portable "A" frame signs are not allowed by code. He stated that any portable "A" frame signs should be removed. It was suggested that the applicant should discuss sign regulations with city staff. He stated that typically the city zoning enforcement officer will not just take any illegal signs, but would attempt to work with the businesses to inform them of the types of signs that are allowed and those that are not allowed. Any signs in the public right-of-way would be taken however.

Mr. Gilliam stated he will not complain about the existing signs.

Ms. Patterson made a motion to grant Conditional Use Permit approval for the sale of new and used computers, repair and servicing for MacTraders at 6526 South State Street #E subject to the following conditions:

1. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by Murray City and installed as approved prior to occupancy.
2. One van accessible ADA parking stall shall be painted and provided with the appropriate signage.
3. A scalable site plan shall be submitted and approved by the Murray City Community and Economic Development Division.
4. Stamped and sealed plans by appropriate design professionals shall be provided to the building inspection division. Shall meet all building and fire codes.

Seconded by Mr. Woodbury.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Karen Daniels

Motion passed, 4-0.

ECOATM, INC. – 6191 South State Street (Fashion Place Mall) – Project #13-131

There was no applicant present to represent this request. Brad McIlrath reviewed the location and request for an automated self-serve kiosk that buys-back consumer electronics for cash for the property addressed 6191 S. State Street, Fashion Place Mall. Municipal Code Ordinance 17.160.010 allows secondhand merchandise sales (LU #5930) within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant is requesting an 8 foot square foot kiosk space within the Fashion Place Mall for the purchasing of used consumer electronics for cash. There is adequate parking provided for this use as part of the Fashion Place Mall. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Ms. Daniels stated since the applicant is not present, staff will need to ensure the applicants are aware of the conditions required for approval. Mr. McIlrath stated the company is located out of California and have these types of kiosks at various locations.

No comments were made by the public.

Mr. Markham made a motion to grant Conditional Use Permit approval for an automated self-serve kiosk that buys back consumer electronics for cash for EcoATM, Inc. at 6191 South State Street subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. Obtain a Murray City Business License prior to beginning operation.

Seconded by Mr. Woodbury.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Karen Daniels

Motion passed, 4-0.

BIRKHILL @ FIRECLAY/HENRY WALKER HOMES PHASE 2 – 4231 & 4243 South Main Street - Project #13-121

Benson Whitney was the applicant present to represent this request. Ray Christensen reviewed the location and request for subdivision approval for Birkhill Phase 2 amending lots 201 and 202 for the property addressed 4231 and 4243 South Main Street. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. The plat shows 60 total units proposed on the site. A number of the units proposed will be live/work units on Main Street and Birkhill allowing for possible business use on lower floors. The project also includes commercial corner units at Main Street and Birkhill Boulevard on the lower level. Since the proposal is subject to a development agreement with the Murray Redevelopment Agency, the RDA reviewed the proposed changes for the Birkhill Phase 2 development and approved the changes. The TOD zoning district requires setbacks based on the adjacent street curb between 15 to 25 feet. The proposed structures meet the required front yard setbacks called for in the TOD zoning standards. Landscaping is required in accordance with TOD design standards and landscaping will be approved as part of the building permit review and will be required to be completed in conjunction with the construction of the units.

Murray City Code Title 16 outlines the requirements for subdivision review. The Murray Planning Commission is required by State Code(10-9a-207) to conduct a public hearing and review all subdivisions of property within the City. The Planning Commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the City. The Planning Commission acts as an advisory body to the Mayor and shall make investigations, reports and recommendation on proposed subdivisions as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the Commission's review and recommendation of a subdivision application, it will be forwarded to the Mayor for final approval. The plat is then forwarded to the Salt Lake County Recorder's office for review and recording. Public utilities, including electric, natural gas, cable T.V., water meters, and telephone shall have the right to install maintain, and operate their equipment above and below ground and all other related facilities within the utility easements and lot areas identified on this plat map as may be necessary or desirable in providing utility services within and without the lots identified herein including the right of access to such facilities and the right to require removal of any obstructions including structures, trees and vegetation that may be placed within the easement. At no time may any permanent structures be placed within the easement or any other obstruction which interferes with the use of the easement without the prior written approval of the utilities with facilities in the easements. Contained within the easements and lot areas are private sanitary sewer, storm sewer and water facilities. The installation, operation, maintenance, and/or replacement of private sanitary sewer, storm sewer and water facilities shall be the sole responsibility of the owners and the owners association. Such facilities are not offered to, nor are they accepted for dedication by Murray City. Based on the

information presented in this report, application materials submitted and site review, staff recommends the commission send a recommendation for approval to the mayor subject to conditions.

Benson Whitney, 5829 South Meadow Crest Drive, Murray, indicated he is representing Henry Walker Homes for this proposal. Mr. Whitney stated he has reviewed the eleven staff recommendations of approval and will comply.

Mr. Woodbury asked the anticipated prices and size of units. Mr. Whitney responded that one of the units will be featured in the Parade of Homes which begins this weekend. He stated the anticipated price is from the low to the mid \$200,000's.

No comments were made by the public.

Mr. Woodbury made a motion to send a recommendation of approval to the Mayor for the subdivision for Birkhill @ Fireclay/Henry Walker Homes, Phase 2, amending lots #201 and #202 addressed 4231 & 4243 South Main Street subject to the following conditions:

1. Meet City subdivision plat requirements. Upon receiving Planning Commission approval, submit a Subdivision Plat application form and a PDF of the plat and improvement plans to the Engineering Division for final review.
2. Meet City storm drainage requirements.
3. Install right-of-way improvements along Main Street, Gilbride and Birkhill.
4. Provide an escrow bond agreement for all improvements in City right-of-way.
5. Implement site SWPPP prior to beginning any site work
6. The project shall meet all applicable building code and fire code requirements.
7. Provide stamped and sealed soils report from geo-technical engineer. Provide plans stamped and sealed by appropriate design professionals to include code analysis and egress plans.
8. Shall meet all building and fire codes.
9. The project shall comply with fire codes, Murray Water and Sewer and Power Department requirements.
10. Comply with Murray Fire Department requirements.
11. The applicant shall provide a note on the plat indicating that garages must be used exclusively for parking and that parking may occur only within designated parking areas.

Seconded by Ms. Patterson.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Karen Daniels

Motion passed, 4-0.

OTHER BUSINESS

There was no other business.

Meeting adjourned.

A handwritten signature in black ink, appearing to read 'Chad Wilkinson', is written over a horizontal line.

Chad Wilkinson, Manager  
Community & Economic Development